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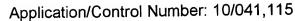


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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/041,115	01/08/2002	Junichi Katsuki	2204-012023	4472	
7:	590 01/09/2003				
Russell D. Orkin Esq. 700 Koppers Building			EXAMINER		
436 Seventh Avenue Pittsburgh, PA 15219-1818		•	LEROY, D	LEROY, DAVID H	
			ART UNIT	PAPER NUMBER	
			1742		
			DATE MAILED: 01/09/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

i e	Application No.	Applicant(s)				
1. 40	10/041,115	KATSUKI ET AL.				
Office Action Summary	Examiner	Art Unit				
	David H. LeRoy	1742				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status						
1) Responsive to communication(s) filed on	<u> </u>					
2a)☐ This action is FINAL . 2b)⊠ Thi	s action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims						
4) Claim(s) 3-10 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>3-10</u> are subject to restriction and/or e Application Papers	lection requirement.					
9) The specification is objected to by the Examiner						
10)☐ The drawing(s) filed on is/are: a)☐ accept	ted or b) objected to by the	e Examiner.				
Applicant may not request that any objection to the	drawing(s) be held in abeyan	nce. See 37 CFR 1.85(a).				
11) The proposed drawing correction filed on	is: a) ☐ approved b) ☐ dis	sapproved by the Examiner.				
If approved, corrected drawings are required in repl						
12)☐ The oath or declaration is objected to by the Exa	miner.					
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign	priority under 35 U.S.C. §	119(a)-(d) or (f).				
a)⊠ All b)□ Some * c)□ None of:						
1. Certified copies of the priority documents	have been received.					
2. Certified copies of the priority documents	2. Certified copies of the priority documents have been received in Application No					
 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Infe	ummary (PTO-413) Paper No(s) formal Patent Application (PTO-152)				



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DETAILED ACTION

Applicant's amendment of January 8, 2002 cancelling claims 1-2 and adding new claims 3-10 is acknowledged. Claims 3-10 remain for consideration.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 3,5 and 6, drawn to an austenitic stainless steel that is less susceptible to cracking, classified in class 420, subclass 34.
- II. Claims 4, 7-10, drawn to a method for manufacturing an autenitic stainless steel, classified in Class 75, subclass 508.

Inventions Group I and Group II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the product could be made by adding silicon-manganese alloy to melted stainless steel.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

A telephone call was made to Kent E. Baldauf on 1/7/03 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David H. LeRoy whose telephone number is 703-305-5793. The examiner can normally be reached on M-Th 7-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy V. King can be reached on 703-308-1146. The fax phone numbers for the organization where this application or proceeding is assigned are 872-9310 for regular communications and 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

DHL January 7, 2003 ROY KING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700